

REMARKS

The Office Action rejects Claims 1-6, 8-9, 11-12 and 14 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,519,857 to Proulx et al. The Office Action also rejects Claims 7, 10 and 13 under 35 U.S.C. 103(a) as being unpatentable over the Proulx patent in view of U.S. Patent No. 5,887,348 to Iacona et al. Claims 1-14 are also provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims of co-pending U.S. Patent Application No. 10/542,948.

Double Patenting Rejections

The Office Action provisionally rejects Claims 1-14 under the doctrine of non-statutory double patenting in view of co-pending U.S. Patent Application No. 10/542,948. Without commenting on the propriety of these rejections, the Applicant respectfully requests that these rejections be held in abeyance until such time as either the present patent application or the co-pending patent application approaches issuance as a patent.

Claims Rejections Under 35 U.S.C. § 102(b)

Claims 1-6, 8-9, 11-12 and 14 were rejected as being anticipated by the Proulx patent. However, the cutting head of Claim 1 comprises, among other things, a locking element for locking a cutting string. A cross section of the locking element, when taken transversely to the string, presents at least one recess forming a longitudinal groove extending along the string, with contact being made between the locking element and the string at least on either side of the longitudinal groove. For example, FIG. 12 illustrates, in a perspective view, a locking element 400 having a longitudinal groove 403 defined between rows of teeth 404a and 404b. In another example, FIG. 16 illustrates, in a view directly down a longitudinal groove 403, two rows of teeth 404a and 404b contacting a cutting string 300 along respective sides of the groove 403, as described at least in lines 9-14 of page 15 of the above-referenced patent application as-filed.

The Proulx patent illustrates a rotary trimmer head having a toothed cam 16 that does not have any longitudinal groove with respect to a cutting string axis. The two figures of the Proulx

patent that provide any showing of the bearing surfaces of the cams 16, FIGS. 3 and 9, illustrate that the teeth 50 extend across the width of the cam without defining a longitudinal groove. Thus, the Proulx patent does not anticipate Claim 1 of the above-referenced patent application.

Therefore, Claim 1 is patentable over the Proulx patent. Claims 2-14, which depend directly or indirectly from Claim 1, are patentable over the Proulx patent at least for the reasons by which Claim 1 is patentable. Accordingly, the Applicant respectfully requests that these rejections set forth against Claims 1-6, 8-9, 11-12 and 14 be withdrawn.

Claims Rejections Under 35 U.S.C. § 103(a)

Claims 7, 10 and 13 were rejected as being unpatentable over the Proulx patent in view of the Iacona patent. However, the cutting head of Claim 1, from which these claims depend, comprises, among other things, a movable locking element for locking the string between the locking element and a backing wall. For example, FIGS. 14-16 of the above-referenced patent application as-filed illustrate various embodiments of a locking element 400 locking a string 300 against a backing wall. Furthermore, in Claim 1, a cross section of the locking element, when taken transversely to the string, presents at least one recess forming a longitudinal groove extending along the string, with contact being made between the locking element and the string at least on either side of the longitudinal groove. Claim 1 is patentable over the Proulx patent for at least the reasons described above with regard to ***Claims Rejections Under 35 U.S.C. § 102(b)***.

The Iacona patent illustrates several embodiments of locking elements, none of which relate well to the locking element of Claim 1. For example, FIG. 6 of the Iacona patent illustrates a locking element, cam 36, having spaced ribs 54 that extend across the width of the cam without defining a longitudinal groove with respect to an engaged cutting string axis. FIG. 8 of the Iacona patent illustrates a collet 64 having cantilevered arms 74 for engaging a cutting string in opposing fashion, such that the string is not locked against a backing wall. Thus, the Proulx patent, the Iacona patent, and their combination fail to render Claim 1 unpatentable.

Therefore, Claim 1 is patentable over the Proulx and Iacona patents. Claims 2-14, which depend directly or indirectly from Claim 1, are patentable over these patents at least for the reasons by which Claim 1 is patentable. Accordingly, the Applicant respectfully requests that

these rejections set forth against Claims 7, 10 and 13 be withdrawn.

New Claims 11-12 Are Patentable

New independent Claim 15 recites a cutting head including a passage for a cutter string and a moving element for locking the string, suitable for locking the string between itself and a backing wall, the head being characterized in that the locking element presents two rows of teeth separated by a central groove. The cited references do not prevent the patentability of a locking element that presents two rows of teeth separated by a central groove. Thus, new Claim 15 is patentable over each reference discussed above, and over the combination thereof. Claims 16-25 depend from Claim 15 and are therefore patentable as well.

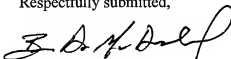
Dependent Claims

The patentability of each independent claim over the cited references has been argued as set forth above. The Applicant does not take this opportunity to argue the merits of the dependent claims. However, the Applicant does not concede that the dependent claims are not independently patentable and reserves the right to argue the patentability of the dependent claims at a later date if necessary.

Appl. No.: 10/543,027
Amdt. dated March 4, 2008
Reply to Office Action of October 4, 2007

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Brian D. MacDonald
Registration No. 54,288

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON MARCH 4, 2008.